



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,507	10/10/2003	Michiharu Arimoto	L8612.03103	9880

7590 11/26/2008
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L Street, N.W.
Washington, DC 20036

EXAMINER

CLOUD, JOIYA M

ART UNIT	PAPER NUMBER
----------	--------------

2444

MAIL DATE	DELIVERY MODE
-----------	---------------

11/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/682,507

Applicant(s)

ARIMOTO ET AL.

Examiner

Joiya M. Cloud

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01/29/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/ISD)
Paper No(s)/Mail Date 06/20/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This action is responsive to communications 02/15/2008. Claims 1-27 are pending. Applicant's arguments and amendments filed 08/22/2008 have been carefully considered but are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *"the information displayed on the display unit includes the type of operating system employed by the client, the type of operating system employed by the server, an account name of a user accessing the client, and an icon representing the account name"*) to the claims which significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27, are rejected under 35 U.S.C. 102(b) as being anticipated by **Cartsonis et al.** (U.S. Patent No. **6,584,501 B1**, hereinafter **Cartsonis**) in view of **Ludwig et al.** (US Patent No. **6,351,762 B1**).

As per **claim 1**, **Cartsonis** discloses the invention substantially as claimed. **Cartsonis** teaches a network monitoring system that monitors communication between a client and sever, the network monitoring system comprising: a data acquisition section that acquires a plurality of packets flown on the network; a data analysis section (**Figure 8, where the thread analysis takes place based on the packets in the stream by the analyzer. The packets are acquired and decoded, col. 6, lines 64-67**) for acquiring the action explanation information from the plurality of packets acquired by the data acquisition section (**col. 2, lines 58-67, Figure 8, where packets in the streams are acquired and decoded**); and a display-information generation section that generates information of each individual action occurring on the network on the basis of the action explanation information acquired by the data analysis section (**Abstract, col. 3, lines 58-67 col. 2, lines 58-67, and col. 7, lines 10-26, where Cartsonis-Ludwig teaches a method for analyzing and displaying network traffic performance assessment data in a computer network and upon receiving a plurality of packets, performs thread analysis and then collects and stores the information. Cartsonis-Ludwig further discloses a generated graphical representation of the analyzed data**); and a display unit that displays the information generated by the display-information generation section (**Figure 2**).

Cartsonis does not explicitly teach wherein in response to a request by a user, the display-information generation section, the display-information generation section regenerates, for

continuous play back, information of a sequence of individual actions that occurred on the network and cooperates with the display unit to display, during each play back, the regenerated information of each individual action of the sequence at the same time interval within the sequence as the action occurred.

Ludwig however teaches wherein in response to a request by a user, the display-information generation section, the display-information generation section regenerates, for continuous play back, information of a sequence of individual actions that occurred on the network and cooperates with the display unit to display, during each play back, the regenerated information of each individual action of the sequence at the same time interval within the sequence as the action occurred (**col. 28, lines 48-65**).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Cartsonis-Ludwig' teachings to the teachings of Ludwig, for the purpose of "reproduce[ing] annotated snapshots as they occurred at recording" (**col. 28, lines 64-65**).

Cartsonis-Ludwig does not explicitly teach wherein the information displayed by the display unit includes the type of operating system employed by the client, the type of operating system employed by the server, an account name of a user accessing the client, and an icon representing the account name. However, **Official Notice (see MPEP 2144.03)** is taken, that it is well known in the art at the time the invention was made to display the above recited limitations. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner

should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

As per claim 2, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information is defined in advance (**Cartsonis: col. 4, lines 38-52, where the user is able to define action information, col. 7, lines 37-52**).

As per claim 3, Cartsonis-Ludwig teaches a network monitoring system wherein the data analysis section identifies kinds of the packets acquired by the data acquisition section and acquires the action explanation information from the packets on the basis of the identified kinds of the packets (**Cartsonis: col. 6, lines 64-67 and col. 7, lines 1-9, where individual packets are decoded and defined in relation to a specific application being analyzed**).

As per claim 4, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information includes: sending source computer information included in a connection packet (**col. 6, lines 60-63**); user information included in an authentication packet

(Cartsonis: where the information includes the thread name, the name ultimately authenticates which determines the group that the packets are assigned to during analysis, col. 6, lines 13-23); action object information included in an object specification packet (information related to the specific application, col. 6, lines 64-67); action information included in a command packet (Cartsonis: where the analysis information may be specific to a “Get command” col. 7, line 5); and data included in a data packet (Cartsonis: col. 4, lines 38-52, col. 6, lines 58-63 and col. 7, lines 6-10).

As per claim 5, Cartsonis-Ludwig teaches a network monitoring system further comprising an analysis data storage section for storing the action explanation information acquired by the data analysis section, wherein: the display-information generation section regenerates the information of the sequence of individual actions that occurred on the network from the action explanation information stored by the analysis data storage section (the analysis data storage section is taught by Cartsonis, col. 6, lines 53-63, where the analyzer which performs thread analysis “stores information describing the thread name, source and destination nodes”, etc and col. 7, lines 10-25, Figure 7, item 704).

As per claim 6, Cartsonis-Ludwig teaches a network monitoring system wherein the action explanation information stored by the analysis data storage section includes time information, which corresponds to time at which the single action was performed (col. 4, lines 38-46 and col. 5, lines 4-17); and the display-information generation section regenerates the display information used to playback and display the action explanation information stored by the analysis data storage section in accordance with the time information, in response to a request

of a user (**col. 5, lines 4-17, co. 7, lines 59-65 and col. 7, lines 37-52, where bars of the graphical representation are updated in accordance with the new time axis).**

As per claim 7, Cartsonis-Ludwig teaches a network monitoring system wherein the display-information generation section continuously regenerates the sequence after each predetermined period, which period is accurate within 500 milliseconds.(**Cartsonis: col. 7, lines 59-65).**

As per claim 8, Cartsonis-Ludwig teaches a network monitoring system wherein the display-information generation section extracts and generates the display information in accordance with display setting by a user (**Cartsonis: col. 3, lines 58-65, col. 7, lines 59-65, and col. 7, lines 37-52).**

Claims 9-16 are substantially the same as claims 1-8 but in method form rather than system form. Therefore, claims 9-16 are rejected using the same rationale as claims 1-8.

Claims 17-24 are substantially the same as claims 1-8 and thus rejected using the same rationale.

As per claims 25-27, Cartsonis-Ludwig teaches wherein the display unit displays graphical representation of the communication connection between the client and the server (**Figure 4).**

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access

Art Unit: 2444

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197
(toll-free).

JMC

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

November 17, 2008